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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,266	01/20/2006	Kwok Hung Wong	WEN 257NP	7103
23995	7590	10/11/2007		
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			EXAMINER PAYER, HWEI SIU CHOU	
			ART UNIT	PAPER NUMBER
			3724	
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			10/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,266

Applicant(s)

WONG, KWOK HUNG

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10, 13, 19, 20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 13, 19, 20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

The amendment filed on 9-20-2007 has been entered.

Drawings Objection

1. The drawings are objected to because the embodiment shown in Fig.3 is not understood. Exactly how is the controlling device of Fig.3 structurally related to the claimed strainer ladle and the handle?
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the control switch (cited in claims 1, 2, 3 and 10), one end of the rod member being connected to the control switch and the other end of the rod member being connected to the strain ladle (cited in claims 3, 10), the spring being disposed inside of the handle (cited in claims 3, 10), the elastic device being disposed between the other end of the rod member and the strainer ladle (cited in claims 3 and 10), the screw boss being fixed to the rod member by the fixing device (cited in claims 4 and 13), and the elastic device being sleeved over the screw boss (cited in claims 4 and 13) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims Objection

Claims 3, 4, 6, 7, 9, 10, 13, 19 and 22 are objected to because of the following informalities:

- (1) In claim 3, lines 5 and 9, "another end" should read --the other end--.
- (2) In claim 10, lines 5 and 10, "another end" should read --the other end--.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, first paragraph

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-4, 6-10, 13, 19, 20 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(1) In claim 1, lines 18-20, it is not clear how the strainer ladle is invertible relative to the ladle body by "turning over" the strainer ladle relative to the ladle body.

(2) In claim 2, it does not appear the controlling device would work if the perforated drain hole of the ladle body is blocked by the projection of the strainer ladle. Referring to Figs. 1 and 2, if the projection 12 is received in the drain hole 11, the controlling device 6 would not be able to move the strainer ladle 3 relative to the ladle body 2.

(3) In claims 3 and 10, it is not clear how one end of the rod member 7 is connected to the control switch (not shown in the drawings), and the other end of the rod member 7 is connected to the strainer ladle.

(4) In claims 3 and 10, it is not clear how the spring is disposed inside of the handle, and the elastic device is disposed between the other end of the rod member and the strainer ladle.

(5) In claims 4 and 13, it is not clear how the screw boss is fixed to the rod member by the fixing device, and the elastic device is sleeved over the screw boss.

Claim Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sherblom (U.S. Patent No. 4,825,551).

Sherblom discloses a multifunctional ladle comprising a handle (14); a ladle body (12) connected to one end of the handle (14); a strainer ladle (16) which is matched with the ladle body (12) and engaged with the ladle body (12); a controlling device (20,22,24,26) coupled to the strainer ladle (16), and which includes a control switch (24) located on the handle (14), the control switch (24) being slidable along the handle (14) to a first position (Fig.2), where the strainer ladle (16) separates from the ladle body (12), and to a second position (Fig.1) where the strainer ladle (16) nests within the ladle body (12) to combine the strainer ladle (16) with the ladle body (12); wherein when the strainer ladle (16) is separated from the ladle body (12), the strainer ladle (16) is positioned to strain solids from a liquid, with the liquid flowing through the strainer ladle (16) and into the ladle body (12); wherein when the strainer ladle (16) is nested within the ladle body (12), the strainer ladle (16) and the ladle body (12) conjointly act a ladle (10); and wherein the strainer ladle (16) is capable of being inverted relative to the ladle body (12), by completely separating the control switch (24) from the handle (14), turning

over the strainer ladle (16) relative to the ladle body (12) and reinserting the handle (14) through the control switch (24).

Claim Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sherblom (U.S. Patent No. 4,825,551) in view of Smith (U.S. Patent No. 1,969,162).

Sherblom's multifunctional ladle as set forth shows all the claimed structure except the bottom center of the strainer ladle (16) lacks a solid circle member for receiving an egg yolk

Smith teaches providing a strain with a solid circle member (13) for receiving and holding the egg yolk while the white is separating therefrom.

It would have been obvious to one skilled in the art to modify Sherblom by providing the strainer (16) with a solid circle member at the bottom center therefor to facilitate holding an egg yolk when an egg white is being drained from the strainer.

Indication of Allowable Subject

Claims 2-4, 6, 7, 9, 10, 13, 19, 20 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Action Made Final

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer
October 5, 2007

/Hwei-Siu C. Payer/
Primary Examiner, Art Unit 3724